

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:21-CV-25-KDB-DCK

JERRY WAYNE BAXTER,
Plaintiff,

v.

RANDALL LEE NEAL, SR., *et al.*,
Defendants.

FILED
STATESVILLE, NC

SEP 20 2022

U.S. District Court
Western District of N.C.

VERDICT SHEET

1. Were Mr. Neal, Mr. Black, Mr. Craig, and Mr. Lee acting under color of state law?

YES ☒ NO ☐

[Proceed to Issue No. 2]

2. While acting under color of state law, did Mr. Neal, Mr. Black, Mr. Craig, and Mr. Lee, or one or more of them, deprive Mr. Baxter of his Fourth Amendment rights?

YES ☐ NO ☒

[If your response to Issue No. 2 is "YES," proceed to Issue No. 3.

If your response to Issue No. 2 is "NO," proceed to Issue No. 7]

3. Which of the Defendants deprived Mr. Baxter of his Fourth Amendment rights by the use of excessive force?

a) Mr. Neal - YES ☐ NO ☐

b) Mr. Black - YES ☐ NO ☐

c) Mr. Craig - YES _____ NO _____

d) Mr. Lee - YES _____ NO _____

[Proceed to Issue No. 4]

4. What amount of damages has Mr. Baxter sustained as a result of the Defendants' use of excessive force?

\$ _____

[Proceed to Issue No. 5]

5. Did Mr. Neal, Mr. Black, Mr. Craig, and Mr. Lee, or one or more of them, act maliciously or wantonly when violating Mr. Baxter's federally protected rights?

a) Mr. Neal - YES _____ NO _____

b) Mr. Black - YES _____ NO _____

c) Mr. Craig - YES _____ NO _____

d) Mr. Lee - YES _____ NO _____

[If your response to Issue No. 5 is "YES" with respect to any Defendant proceed to Issue No. 6 for that Defendant. If your response to Issue No. 5 is "NO" with respect to any Defendant, proceed to Issue No. 7 for that Defendant]

6. What amount of punitive damages do you allow for the Plaintiff as a result of any malicious or wanton violation of Mr. Baxter's federally protected rights found in Issue 5?

a) Mr. Neal: \$ _____

b) Mr. Black: \$ _____

c) Mr. Craig: \$ _____

d) Mr. Lee: \$ _____

[Proceed to Issue No. 7]

7. Did the Defendants, or one or more of them, assault Mr. Baxter?

YES _____ NO ☒ _____

[If your response to Issue No. 7 is "YES," proceed to Issue No. 8.

If your response to Issue No. 7 is "NO," proceed to Issue No. 12]

8. Which of the Defendants assaulted Mr. Baxter?

a) Mr. Neal - YES _____ NO _____

b) Mr. Black - YES _____ NO _____

c) Mr. Craig - YES _____ NO _____

d) Mr. Lee - YES _____ NO _____

[Proceed to Issue No. 9]

9. What amount is Mr. Baxter entitled to recover for personal injury resulting from assault by one or more of the Defendants?

\$ _____

[Proceed to Issue No. 10]

10. Was the assault committed by the Defendants identified in your response to Issue No. 8 accompanied by outrageous or aggravated conduct?

- a) Mr. Neal - YES _____ NO _____
- b) Mr. Black - YES _____ NO _____
- c) Mr. Craig - YES _____ NO _____
- d) Mr. Lee - YES _____ NO _____

[If your response to Issue No. 10 is "YES" with respect to any Defendant proceed to Issue No. 11 for that Defendant. If your response to Issue No. 10 is "NO" with respect to any Defendant. proceed to Issue No. 12 for that Defendant]

11. What amount of punitive damages, if any, does the jury in its discretion award to Mr. Baxter on his claim of assault by any Defendant found liable in Issue 10?

- a) Mr. Neal: \$ _____
- b) Mr. Black: \$ _____
- c) Mr. Craig: \$ _____
- d) Mr. Lee: \$ _____

[Proceed to Issue No. 12]

12. Did the Defendants, or one or more of them, commit battery upon Mr. Baxter?

YES _____ NO ☒

[If your response to Issue No. 12 is "YES," proceed to Issue No. 13.

If your response to Issue No. 12 is "NO," proceed to Issue No. 17]

13. Which of the Defendants committed battery upon Mr. Baxter?

- a) Mr. Neal - YES _____ NO _____
b) Mr. Black - YES _____ NO _____
c) Mr. Craig - YES _____ NO _____
d) Mr. Lee - YES _____ NO _____

[Proceed to Issue No. 14]

14. What amount is Mr. Baxter entitled to recover for personal injury resulting from battery by one or more of the Defendants?

\$ _____

[Proceed to Issue No. 15]

15. Was the battery committed by the Defendants identified in your response to Issue No. 13 accompanied by outrageous or aggravated conduct?

- a) Mr. Neal - YES _____ NO _____
b) Mr. Black - YES _____ NO _____
c) Mr. Craig - YES _____ NO _____
d) Mr. Lee - YES _____ NO _____

[If your response to Issue No. 15 is "YES" with respect to any Defendant proceed to Issue No. 16 for that Defendant. If your response to Issue No. 15 is "NO" with respect to any Defendant proceed to Issue No. 17 for that Defendant]

16. What amount of punitive damages, if any, does the jury in its discretion award to Mr. Baxter on his claims of battery by any Defendant found liable in Issue 15?

- a) Mr. Neal: \$ _____
b) Mr. Black: \$ _____

c) Mr. Craig: \$ _____

d) Mr. Lee: \$ _____

[Proceed to Issue No. 17]

17. Did Defendant Lee trespass upon the Mr. Baxter's Toyota Matrix vehicle by intentionally scratching the vehicle with a key?

YES _____ NO ☒

[If your response to Issue No. 17 is "YES," proceed to Issue No. 18.

If your response to Issue No. 17 is "NO," you have completed your deliberations.]

18. What amount of damages has Mr. Baxter sustained as a result of Defendant Lee's conduct?

\$ _____

[Proceed to Issue No. 19]

19. Was the trespass upon Mr. Baxter's Toyota Matrix vehicle by Defendant Lee accompanied by outrageous or aggravated conduct?

YES _____ NO _____

[If your response to Issue No. 19 is "YES," proceed to Issue No. 20.

If your response to Issue No. 19 is "NO," you have completed your deliberations.]

20. What amount of punitive damages, if any, does the jury in its discretion award to Mr. Baxter's on his claim of trespass upon his Toyota Matrix vehicle by Defendant Lee?

\$ _____

You have now completed your deliberations. Have your foreperson sign the Verdict Sheet and return it to the Court.

This the 20 day of September, 2022.

A solid black rectangular box used to redact the signature of the Jury Foreperson.

Jury Foreperson